Phillip L. Kossy, State Bar No. 071543
Nykia J. Wilson, State Bar No. 224135
LUCE, FORWARD, HAMILTON & SCRIPPS LLP
600 West Broadway, Suite 2600
San Diego, California 92101-3372
Telephone No.: 619.699.2433
Fax No.: 619.645.5384
pkossy@luce.com

FILED
2008 MAR -3 PM 1:59
CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY ______ DEPUTY

Attorneys for Defendants TRANDES CORPORATION and MICHAEL MCKINNEY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

'08 CV 0395 WQH CAB

ARNEL FRANZUELA, an individual, Plaintiff, v. TRANDES CORPORATION, a corporation; MICHAEL MCKINNEY, an individual; and DOES 1-45, inclusive, Defendants.	Case No. ______ **NOTICE OF REMOVAL OF CIVIL ACTION**

TO THE CLERK OF THE ABOVE-ENTITLED COURT:

NOTICE IS HEREBY GIVEN that, pursuant to 28 U.S.C. sections 1441(a) and 1446, defendants TRANDES CORPORATION ("Trandes") and MICHAEL MCKINNEY ("McKinney") (collectively, "Defendants") hereby remove to this Court this action from the Superior Court of the State of California for the County of San Diego, and respectfully submit the following statement of facts, which entitle them to removal:

1. On December 7, 2007, Arnel Franzuela filed a lawsuit against Defendants in the Superior Court of the State of California for the County of San Diego, Central Division, entitled *ARNEL FRANZUELA, an individual v. TRANDES CORPORATION, a corporation; MICHAEL MCKINNEY, an individual; and Does 1 through 45, inclusive,* Superior Court Case No. 37-2007-00087275-CU-OE-CTL. McKinney was served with a copy of the Summons and

Complaint in the state action via personal service on January 31, 2008. Trandes was served with a copy of the Summons and Complaint in the state action via personal service on February 11, 2008.

2. This Notice of Removal is timely as it is filed within thirty (30) days of plaintiff's service of the complaint on Defendants. 28 U.S.C. § 1446(b).

3. True and correct copies of the Summons and Complaint are attached hereto as Exhibit "A."

4. True and correct copies of additional notices and documents which plaintiffs served with the Summons and Complaint are attached hereto as Exhibit "B."

5. This action is a civil action for wrongful discharge in violation of public policy and for defamation.

6. The Complaint alleges that plaintiff was employed at "Trandes' San Diego location" as an Electronic Technician, Level II. Complaint, ¶ 6.

7. The Complaint also alleges that "on or about December 29, 2006, PLAINTIFF was terminated from his employment with TRANDES by . . . MCKINNEY." Complaint, ¶ 21.

8. "Trandes' San Diego location," where plaintiff worked and as referenced by the Complaint (Complaint, ¶ 6), is located within United States Naval Base Point Loma (Building 54), which is a federal enclave and thus subject to exclusive federal jurisdiction. California maintains no sovereignty over this location.

9. There are two possible historical tracks regarding when and how the federal government was ceded exclusive jurisdiction and sovereignty of the United States Naval Base Point Loma location in question; however, it is undisputed that that the State of California ceded exclusive sovereignty and jurisdiction over the site to the United States of America, which it formally accepted, in the early 20th Century, at the very latest.

10. One track is that the lands were part of the Pueblo of San Diego in the late 1840s, and did not pass to the United States government under the 1848 Treaty of Guadalupe-Hidalgo. This track also involves the City of San Diego selling the lands to the federal government, under which case exclusive federal jurisdiction vested under former California Political Code section 34. The other historical track is that the Point Loma lands, where the United States Naval Base San

Diego is located, were held as a military reservation by the Republic of Mexico, therefore passing to the United States under the Treaty of Guadalupe-Hidalgo in 1848, and at that time became part of the public domain. This track is supported by a Presidential Order which withdrew the lands from the public domain, making it into a military reservation in 1852. Exclusive jurisdiction would have therefore vested to the federal government under Chapter 56 of the California Statutes of 1897. That statute required the federal government to file a map, along with a metes and bounds description, with the Country Recorder in order for jurisdiction to vest. The federal government completed those necessary filings on August 4, 1913. Therefore, by operation of either historical track, it is clear that the United States Naval Base Point Loma location at issue is subject to exclusive federal jurisdiction, and was subject to such jurisdiction at the time plaintiff's alleged injuries occurred.

11. Based upon the foregoing, this action is a civil action over which this Court has original jurisdiction under the provisions of 28 U.S.C. section 1331, and is one which may be removed to this Court by Defendants pursuant to the provisions of 28 U.S.C. section 1441(a), in that it is a civil action wherein this Court has original jurisdiction.

12. On this date of March 3, 2008, a Notice of Removal of Case to Federal Court is being served on plaintiff's attorney of record and filed in the state court action with the Clerk of the Superior Court of the State of California, County of San Diego, Central Division.

WHEREFORE, Defendants hereby give notice that this action is removed from the Superior Court of the State of California for the County of San Diego, Central Division to this United States District Court for the Southern District of California.

DATED: March 3, 2008

Respectfully submitted,

LUCE, FORWARD, HAMILTON & SCRIPPS LLP

By: ______________________
Phillip E. Kossy
Nykia J. Wilson
Attorneys for Defendants TRANDES CORPORATION and MICHAEL MCKINNEY

101074968.1

EXHIBIT A

SUM-100

SUMMONS
(CITACION JUDICIAL)

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

FILED
Clerk of the Superior Court

DEC 07 2007

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):

TRANDES CORPORATION., a corporation; MICHAEL MCKINNEY, an individual; and DOES 1-45, Inclusive

YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):

ARNEL FRANZUELA

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.courtinfo.ca.gov/selfhelp/espanol/), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.courtinfo.ca.gov/selfhelp/espanol/) o poniéndose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is: *(El nombre y dirección de la corte es):*
Superior Court of California -
County of San Diego - Central Division
330 West Broadway
San Diego, CA 92101

CASE NUMBER: *(Número del Caso):* 37-2007-00082725-CU-OE-CTL

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Dennis M. Grady, Grady and Associates, 3517 Camino Del Rio South, Suite 400, San Diego, CA 92108
Phone: (619) 528-2530

DATE: *(Fecha)* DEC 07 2007 Clerk, by *(Secretario)* V. LEARNED, Deputy *(Adjunto)*

(For proof of service of this summons, use Proof of Service of Summons *(form POS-010).)*
(Para prueba de entrega de esta citatión use el formulario Proof of Service of Summons, *(POS-010)).*

[SEAL]

NOTICE TO THE PERSON SERVED: You are served
1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of *(specify)*:
3. ☐ on behalf of *(specify)*:

under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
☐ other *(specify)*:

4. ☐ by personal delivery on *(date)*:

SUM-100

SUMMONS
(CITACION JUDICIAL)

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

FILED
Clerk of the Superior Court

DEC 07 2007

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):

TRANDES CORPORATION., a corporation; MICHAEL MCKINNEY, an individual; and DOES 1-45, Inclusive

YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):

ARNEL FRANZUELA

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.courtinfo.ca.gov/selfhelp/espanol/), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.courtinfo.ca.gov/selfhelp/espanol/) o poniéndose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is:
(El nombre y dirección de la corte es):
Superior Court of California -
County of San Diego - Central Division
330 West Broadway
San Diego, CA 92101

CASE NUMBER: *(Número del Caso):* 37-2007-00082725-CU-OE-CTL

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Dennis M. Grady, Grady and Associates, 3517 Camino Del Rio South, Suite 400, San Diego, CA 92108
Phone: (619) 528-2530

DATE: *(Fecha)* DEC 07 2007 Clerk, by *(Secretario)* V. LEARNED, Deputy *(Adjunto)*

(For proof of service of this summons, use Proof of Service of Summons *(form POS-010).)*
(Para prueba de entrega de esta citatión use el formulario Proof of Service of Summons, *(POS-010)).*

[SEAL]

NOTICE TO THE PERSON SERVED: You are served
1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of *(specify)*:
3. ☐ on behalf of *(specify)*:

under:
- ☐ CCP 416.10 (corporation)
- ☐ CCP 416.20 (defunct corporation)
- ☐ CCP 416.40 (association or partnership)
- ☐ CCP 416.60 (minor)
- ☐ CCP 416.70 (conservatee)
- ☐ CCP 416.90 (authorized person)
- ☐ other *(specify)*:

4. ☐ by personal delivery on *(date)*:

DENNIS M. GRADY, Bar No. 118461
GRADY AND ASSOCIATES
3517 Camino Del Rio South, Suite 400
San Diego, California 92108
Telephone: (619) 528-2230

Attorneys for Plaintiff ARNEL FRANZUELA

FILED
Clerk of the Superior Court
DEC 07 2007

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN DIEGO - CENTRAL DIVISION

ARNEL FRANZUELA, Plaintiff, vs. TRANDES CORPORATION, a corporation; MICHAEL MCKINNEY, an individual; and DOES 1 - 45, inclusive, Defendants.	Case No. 37-2007-00082725-CU-OE-CTL **COMPLAINT FOR (1) A CALIFORNIA TORT CAUS OF ACTION FOR WRONGFUL DISCHARGE IN VIOLATION OF PUBLIC POLICY; AND (2) DEFAMATION.** **JURY TRIAL DEMANDED**

PLAINTIFF ARNEL FRANZUELA complains and alleges as follows:

PARTIES

1. PLAINTIFF ARNEL FRANZUELA is, and at all relevant times was, a resident of the State of California, County of San Diego.

///

2. PLAINTIFF is informed and believes and thereby alleges that Defendant TRANDES CORPORATION (TRANDES) is, and at all relevant times was, a corporation organized and existing under and by virtue of the laws of a state unknown, doing business in the State of California, County of San Diego.

3. PLAINTIFF is informed and believes and thereby alleges that Defendant MICHAEL MCKINNEY is, and at all relevant times was, an individual residing in the State of California, County of San Diego.

4. The true names and capacities of Defendants named herein as DOES 1 through 45, inclusive, whether individual, corporate, associate, or otherwise, are unknown to PLAINTIFF who therefore sues such Defendants by fictitious names pursuant to Code of Civil Procedure section 474. PLAINTIFF is informed and believes that DOE Defendants are California residents. PLAINTIFF will amend this complaint to show such true names and capacities when they have been determined.

5. PLAINTIFF is informed and believes, and thereby alleges, that each of the defendants herein was at all relevant times the agent, employee or representative of the remaining defendants and was acting at least in part within the scope of such relationship.

FACTS COMMON TO ALL CAUSES OF ACTION

6. PLAINTIFF began his employment with TRANDES on approximately November 6, 2006, as an Electronic Technician, Level II, at TRANDES' San Diego location.

///

7. PLAINTIFF relied on more than 5 years of experience in this field, including employment as a field engineer in Baghdad, Iraq for a subcontractor for the United States government. Furthermore, PLAINTIFF holds a degree in electronic engineering which denotes his technical and academic understanding of this field.

8. Throughout PLAINTIFF'S career as an electronic engineer, PLAINTIFF has been a distinguished contributor to his employers. He has worked for such well-known entities such as Fujitsu, Roper Scientific, and NS Microwave Communications, among others.

9. PLAINTIFF'S tenure with his previous employers, have included positions which required great expertise and skill. PLAINTIFF performed his duties for each employer in such an exemplary manner, that he was repeatedly rehired following company-wide layoffs, as well as extended employment offers in other venues following company relocations.

10. PLAINTIFF has not once been fired from any prior employer, nor reprimanded in any way for his work performance. On the contrary, PLAINTIFF has been considered a skilled engineer and an asset to the companies he has worked for.

11. Despite PLAINTIFF'S short tenure at TRANDES, PLAINTIFF'S job performance was no exception to his previous accomplishments. PLAINTIFF performed his job with great zeal, diligence and skill.

///

12. On or about November 22, 2006, PLAINTIFF was told by his TRANDES supervisor, MCKINNEY, to defraud SPAWAR by billing SPAWAR for hours of work he had not performed. As a new hire, PLAINTIFF had asked MCKINNEY whether employees were to work on November 24, 2006, the day following Thanksgiving Day.

13. MCKINNEY told PLAINTIFF not to show up to work, but to write on his time sheet for that day, that he had worked eight hours. PLAINTIFF pointed out that he was expected to work at a particular job site, yet MCKINNEY responded, "Don't worry, I'll take care of it" or similar words.

14. PLAINTIFF was well aware of the fact that his time sheet was meant to accurately reflect actual hours of work and also that SPAWAR was to be billed for the hours on his time sheet. Additionally, PLAINTIFF was required to sign his time sheets, thus verifying the accuracy of his time sheet.

15. If PLAINTIFF were to have followed his supervisor's directives, he would have ultimately participated in committing fraud against SPAWAR, an entity of the United States Government.

16. On or about December 1, 2007, a Friday, PLAINTIFF remained unable to comply with MCKINNEY'S directives in good conscience. PLAINTIFF called his supervisor who was on location at the time in Florida, to confirm his orders that he falsify his hours worked and turn in his fraudulent time sheet to TRANDES.

///

17. MCKINNEY affirmed his previous directives and added, "If there is a problem talk to Tim Durin, the project manager" or similar words. At this point, PLAINTIFF received further confirmation that he was to report that he had worked eight hours on November 24, when in fact he had not.

18. That same day, PLAINTIFF was required to turn in his time sheet to Human Resources Manager Sherie Darden. PLAINTIFF told Ms. Darden that he had been asked by his supervisor to deceive SPAWAR, by stating, "I was told to put eight hours on here, but I'm not comfortable doing this," or similar words. Ms. Darden responded by telling PLAINTIFF that she would investigate the manner.

19. Later that day, PLAINTIFF received a phone call from MCKINNEY reprimanding him for complaining about the time sheet fraud. MCKINNEY told PLAINTIFF, "Hey, I almost got fired. My ass almost got fired because of you. I told you what to do already, why didn't you do it?," or similar words.

20. PLAINTIFF was astounded by his supervisors reprimands, yet remained convinced that he had conducted himself truthfully.

21. For the next three weeks, PLAINTIFF continued to execute his job duties in his ordinary manner, namely with the highest standard of care, skill and integrity. However, on or about December 29, 2006, PLAINTIFF was terminated from his employment with TRANDES by none other than MCKINNEY.

///

///

22. When asked why he was being terminated, MCKINNEY stated, "Your performance is not satisfactory." PLAINTIFF had never received a warning or reprimand yet was being summarily fired for alleged faultiness in his work performance. Facts evidence that MCKINNEY published this false statement to at least Sherie Darden. PLAINTIFF believes in good faith that with discovery the false statement that his performance was unsatisfactory will also be shown to have been publicized to others.

23. PLAINTIFF also received a termination letter from TRANDES falsely stating that he was terminated because of his "inability to sustain a satisfactory level of performance in your assigned duties." PLAINTIFF believes in good faith that with discovery the false statement that he was unable to sustain a satisfactory level of performance with his assigned duties will be shown to have been published to others.

24. PLAINTIFF was deeply offended at the defamatory language used by TRANDES to impugn his job record and performance. PLAINTIFF was fired from his job, for no apparent reason, other than because he had complained of illegal billing practices within TRANDES.

FIRST CAUSE OF ACTION

(A California Tort Cause of Action for Wrongful Discharge in Violation of Public Policy / Reprisal for Whistleblowing Against TRANDES CORPORATION, and DOES 1-5 and 6-15.)

25. PLAINTIFF hereby realleges and incorporates by reference herein, each and every preceding paragraph of this complaint.

26. It is a fundamental public policy codified in "whistleblower" and related statutes and regulations, to protect an employee's right to make reasonable, good faith complaints about suspected unlawful activities in the workplace, including defrauding the United States Government.

27. PLAINTIFF made reasonable, good faith complaint(s) about suspected activities at TRANDES in violation of such laws and regulations as described above.

28. Defendants, individually and through their officers, partners, agents, and/or employees acting within the scope of their employment, discharged PLAINTIFF in retaliation for making reasonable, good faith complaint(s) about suspected activities at TRANDES which were in violation of the relevant laws and regulations. Defendants terminated PLAINTIFF in direct violation of fundamental public policies.

29. As a proximate result of Defendants' wrongful acts against PLAINTIFF, PLAINTIFF has suffered and continues to suffer substantial losses in earnings, bonuses, deferred compensation and other employment benefits. PLAINTIFF has suffered and continues to suffer embarrassment, humiliation and mental anguish all to his damage in an amount according to proof.

///

///

///

///

///

30. Defendants committed the acts alleged herein maliciously, fraudulently and oppressively, with the wrongful intention of injuring PLAINTIFF, from an improper and evil motive amounting to malice, and in conscious disregard of PLAINTIFF'S rights. PLAINTIFF is thus entitled to recover punitive damages from Defendants in an amount according to proof.

WHEREFORE, PLAINTIFF requests relief as hereinafter provided.

SECOND CAUSE OF ACTION

(Defamation Against TRANDES CORPORATION, MICHAEL MCKINNEY and DOES 1-5 and 10-20.)

31. PLAINTIFF hereby realleges and incorporates by reference herein each and every preceding paragraph of this complaint.

32. Defendants, individually and through their officers, agents, and/or employees acting within the scope of their employment (and possibly partly outside the scope of their employment), caused to be published false and unprivileged communications tending directly to injure PLAINTIFF in his general, occupational, trade, business, and professional reputations and pursuits.

33. Defendants have defamed PLAINTIFF by engaging in a course of conduct which included, but is not limited to, at least some of the acts and statements set forth above.

34. These statements have exposed PLAINTIFF to hatred, contempt, ridicule, or obloquy, have caused his to be shunned or avoided, and/or have had a tendency to injure his in his

occupation. These statements were known to be false and unsubstantiated. These false statements were published to PLAINTIFF, at least one co-worker and possibly to others who took them to be true.

35. The statements stated above were published by defendants with knowledge of their falsity, and/or without an honest belief in their truth and/or without reasonable or probable cause to believe the statements true and/or with a reckless disregard for their truth or falsity. Given the content of the statements stated above and other factors, it was, has been and is reasonably foreseeable to the original authors of the statements that the statements would be republished and repeated.

36. The foregoing statements are slanderous or libelous per se in that they tend to injure PLAINTIFF in his office, profession, trade or business by imputing to him a general disqualification in those respects that the occupation peculiarly requires and/or they have a natural tendency to lessen the profits of PLAINTIFF'S occupation.

37. As a proximate result of Defendants' actions, PLAINTIFF has suffered losses in earnings, bonuses, deferred compensation and other employment benefits, and suffered, and continues to suffer, harm to reputation, embarrassment, humiliation and mental anguish all to his damage in an amount according to proof.

///

////

38. The statements stated above were published with malice motivated by hatred or ill will towards PLAINTIFF evidencing an intent or willingness to vex, anger, annoy or injure him and/or with wanton disregard of the civil obligations of Defendants towards PLAINTIFF and/or with a desire or disposition to injure PLAINTIFF founded upon hatred, spite, ill will or other improper motive, and/or were excessively published, and/or were published for an improper purpose, and/or were published without an honest belief in their truth, and/or the allegations were exaggerated, overblown or colored in a manner which was detrimental to PLAINTIFF, and/or Defendants had a wanton disregard of the consequences, rights or feelings of PLAINTIFF in making their publications, and/or the tenor of Defendants' statements evidence their malice towards PLAINTIFF and/or the statements were made because PLAINTIFF reasonably and in good faith complained of fraud on the United States Government and/or because defendants needed to manufacture a reason to justify its termination of PLAINTIFF and/or for other unlawful reasons.

///

///

///

///

///

///

///

///

39. Defendants committed the acts alleged herein maliciously, fraudulently and oppressively, with the wrongful intention of injuring PLAINTIFF, from an improper and evil motive amounting to malice, and in conscious disregard of PLAINTIFF'S rights. PLAINTIFF is thus entitled to recover punitive damages from all defendants in an amount according to proof.

WHEREFORE, PLAINTIFF requests relief as hereinafter provided.

PRAYER

WHEREFORE, PLAINTIFF requests relief as follows:

1. For damages according to proof including loss of earnings, deferred compensation and other employment benefits;

2. For compensatory damages for losses resulting from humiliation, mental anguish, harm to reputation and emotional distress according to proof;

3. For interest on the amount of losses incurred in earnings, deferred compensation and other employee benefits at the prevailing rates;

4. That Defendants, their agents, successors, employees and those acting in concert, be enjoined permanently from engaging in each of the unlawful practices, policies, usages and customs set forth herein;

///

///

///

5. For reinstatement of Plaintiff in the position from which he was wrongfully terminated or a comparable position in Defendants' organization and all benefits attendant thereto that would have been afforded Plaintiff but for said discrimination

6. For punitive damages according to proof as allowed by law;

7. For costs of suit including reasonable attorneys fees;

8. For such other and further relief as the Court may deem proper.

GRADY AND ASSOCIATES

DATED: DECEMBER 6, 2007

By: [signature]
DENNIS M. GRADY, Esq.
Attorneys for Plaintiff
ARNEL FRANZUELA

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar number, and address)*: Dennis M. Grady, State Bar No. 118461 Grady and Associates 3517 Camino Del Rio South, Suite 400 San Diego, CA 92108 TELEPHONE NO.: 619-528-2530 FAX NO.: 619-528-1580 ATTORNEY FOR *(Name)*: Arnel Franzuela	FOR COURT USE ONLY FILED Clerk of the Superior Court DEC 07 2007
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Diego STREET ADDRESS: 330 West Broadway MAILING ADDRESS: CITY AND ZIP CODE: San Diego, CA 92101 BRANCH NAME: Central Division	
CASE NAME: Arnel Franzuela v. Trandes Corporation, et. al.	

CIVIL CASE COVER SHEET	Complex Case Designation	CASE NUMBER:
[✓] Unlimited (Amount demanded exceeds $25,000) [ ] Limited (Amount demanded is $25,000 or less)	[ ] Counter [ ] Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	37-2007-00082725-CU-OE-CTL JUDGE: DEPT:

Items 1–5 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort
- [ ] Auto (22)
- [ ] Uninsured motorist (46)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort
- [ ] Asbestos (04)
- [ ] Product liability (24)
- [ ] Medical malpractice (45)
- [ ] Other PI/PD/WD (23)

Non-PI/PD/WD (Other) Tort
- [ ] Business tort/unfair business practice (07)
- [ ] Civil rights (08)
- [ ] Defamation (13)
- [ ] Fraud (16)
- [ ] Intellectual property (19)
- [ ] Professional negligence (25)
- [ ] Other non-PI/PD/WD tort (35)

Employment
- [ ] Wrongful termination (36)
- [✓] Other employment (15)

Contract
- [ ] Breach of contract/warranty (06)
- [ ] Collections (09)
- [ ] Insurance coverage (18)
- [ ] Other contract (37)

Real Property
- [ ] Eminent domain/Inverse condemnation (14)
- [ ] Wrongful eviction (33)
- [ ] Other real property (26)

Unlawful Detainer
- [ ] Commercial (31)
- [ ] Residential (32)
- [ ] Drugs (38)

Judicial Review
- [ ] Asset forfeiture (05)
- [ ] Petition re: arbitration award (11)
- [ ] Writ of mandate (02)
- [ ] Other judicial review (39)

Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400–3.403)
- [ ] Antitrust/Trade regulation (03)
- [ ] Construction defect (10)
- [ ] Mass tort (40)
- [ ] Securities litigation (28)
- [ ] Environmental/Toxic tort (30)
- [ ] Insurance coverage claims arising from the above listed provisionally complex case types (41)

Enforcement of Judgment
- [ ] Enforcement of judgment (20)

Miscellaneous Civil Complaint
- [ ] RICO (27)
- [ ] Other complaint *(not specified above)* (42)

Miscellaneous Civil Petition
- [ ] Partnership and corporate governance (21)
- [ ] Other petition *(not specified above)* (43)

2. This case [ ] is [✓] is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
   a. [ ] Large number of separately represented parties
   b. [ ] Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
   c. [ ] Substantial amount of documentary evidence
   d. [ ] Large number of witnesses
   e. [ ] Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
   f. [ ] Substantial postjudgment judicial supervision
3. Type of remedies sought *(check all that apply)*:
   a. [✓] monetary b. [✓] nonmonetary; declaratory or injunctive relief c. [✓] punitive
4. Number of causes of action *(specify)*: Two
5. This case [ ] is [✓] is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. *(You may use form CM-015.)*

Date: December 6, 2007

Dennis M. Grady, Esq. (TYPE OR PRINT NAME)

[signature] (SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a complex case, this cover sheet will be used for statistical purposes only.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO STREET ADDRESS: 330 West Broadway MAILING ADDRESS: 330 West Broadway CITY AND ZIP CODE: San Diego, CA 92101 BRANCH NAME: Central TELEPHONE NUMBER: (619) 685-6025	
PLAINTIFF(S) / PETITIONER(S): Amel Franzuela	
DEFENDANT(S) / RESPONDENT(S): TRANDES CORPORATION et.al.	
FRANZUELA VS. TRANDES CORPORATION	
NOTICE OF CASE ASSIGNMENT	CASE NUMBER: 37-2007-00082725-CU-OE-CTL

Judge: Joan M. Lewis

Department: C-65

COMPLAINT/PETITION FILED: 12/07/2007

CASES ASSIGNED TO THE PROBATE DIVISION ARE NOT REQUIRED TO COMPLY WITH THE CIVIL REQUIREMENTS LISTED BELOW

IT IS THE DUTY OF EACH PLAINTIFF (AND CROSS-COMPLAINANT) TO SERVE A COPY OF THIS NOTICE WITH THE COMPLAINT (AND CROSS-COMPLAINT).

ALL COUNSEL WILL BE EXPECTED TO BE FAMILIAR WITH SUPERIOR COURT RULES WHICH HAVE BEEN PUBLISHED AS DIVISION II, AND WILL BE STRICTLY ENFORCED.

TIME STANDARDS: The following timeframes apply to general civil cases and must be adhered to unless you have requested and been granted an extension of time. General civil consists of all cases except: Small claims appeals, petitions, and unlawful detainers.

COMPLAINTS: Complaints must be served on all named defendants, and a CERTIFICATE OF SERVICE (SDSC CIV-345) filed within 60 days of filing. This is a mandatory document and may not be substituted by the filing of any other document.

DEFENDANT'S APPEARANCE: Defendant must generally appear within 30 days of service of the complaint. (Plaintiff may stipulate to no more than a 15 day extension which must be in writing and filed with the Court.)

DEFAULT: If the defendant has not generally appeared and no extension has been granted, the plaintiff must request default within 45 days of the filing of the Certificate of Service.

THE COURT ENCOURAGES YOU TO CONSIDER UTILIZING VARIOUS ALTERNATIVES TO LITIGATION, INCLUDING MEDIATION AND ARBITRATION, PRIOR TO THE CASE MANAGEMENT CONFERENCE. MEDIATION SERVICES ARE AVAILABLE UNDER THE DISPUTE RESOLUTION PROGRAMS ACT AND OTHER PROVIDERS. SEE ADR INFORMATION PACKET AND STIPULATION.

YOU MAY ALSO BE ORDERED TO PARTICIPATE IN ARBITRATION PURSUANT TO CCP 1141.10 AT THE CASE MANAGEMENT CONFERENCE. THE FEE FOR THESE SERVICES WILL BE PAID BY THE COURT IF ALL PARTIES HAVE APPEARED IN THE CASE AND THE COURT ORDERS THE CASE TO ARBITRATION PURSUANT TO CCP 1141.10. THE CASE MANAGEMENT CONFERENCE WILL BE CANCELLED IF YOU FILE FORM SDSC CIV-359 PRIOR TO THAT HEARING

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO	FOR COURT USE ONLY
STREET ADDRESS: 330 West Broadway	
MAILING ADDRESS: 330 West Broadway	
CITY, STATE, & ZIP CODE: San Diego, CA 92101-3827	
BRANCH NAME: Central	
PLAINTIFF(S): Arnel Franzuela	
DEFENDANT(S): TRANDES CORPORATION et.al.	
SHORT TITLE: FRANZUELA VS. TRANDES CORPORATION	
STIPULATION TO ALTERNATIVE DISPUTE RESOLUTION PROCESS (CRC 3.221)	CASE NUMBER: 37-2007-00082725-CU-OE-CTL

Judge: Joan M. Lewis Department: C-66

The parties and their attorneys stipulate that the matter is at issue and the claims in this action shall be submitted to the following alternative dispute resolution process. Selection of any of these options will not delay any case management time-lines.

- ☐ Court-Referred Mediation Program
- ☐ Private Neutral Evaluation
- ☐ Private Mini-Trial
- ☐ Private Summary Jury Trial
- ☐ Private Settlement Conference with Private Neutral
- ☐ Court-Ordered Nonbinding Arbitration
- ☐ Court-Ordered Binding Arbitration (Stipulated)
- ☐ Private Reference to General Referee
- ☐ Private Reference to Judge
- ☐ Private Binding Arbitration
- ☐ Other (specify): ____________________

It is also stipulated that the following shall serve as arbitrator, mediator or other neutral: (Name) ____________________

Alternate: (mediation & arbitration only) ____________________

Date: ____________________ Date: ____________________

Name of Plaintiff ____________________ Name of Defendant ____________________

Signature ____________________ Signature ____________________

Name of Plaintiff's Attorney ____________________ Name of Defendant's Attorney ____________________

Signature ____________________ Signature ____________________

(Attach another sheet if additional names are necessary). It is the duty of the parties to notify the court of any settlement pursuant to California Rules of Court, 3.1385. Upon notification of the settlement the court will place this matter on a 45-day dismissal calendar.

No new parties may be added without leave of court and all un-served, non-appearing or actions by names parties are dismissed.

IT IS SO ORDERED.

Dated: 12/08/2007 ____________________ JUDGE OF THE SUPERIOR COURT

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

CASE NUMBER: 37-2007-00082725-CU-OE-CTL CASE TITLE: Frenzuela vs. TRANDES CORPORATION

NOTICE TO LITIGANTS/ADR INFORMATION PACKAGE

You are required to serve a copy of this Notice to Litigants/ADR Information Package and a copy of the blank Stipulation to Alternative Dispute Resolution Process (received from the Civil Business Office at the time of filing) with a copy of the Summons and Complaint on all defendants in accordance with San Diego Superior Court Rule 2.1.5, Division II and CRC Rule 201.9.

ADR POLICY

It is the policy of the San Diego Superior Court to strongly support the use of Alternative Dispute Resolution ("ADR") in all general civil cases. The court has long recognized the value of early case management intervention and the use of alternative dispute resolution options for amenable and eligible cases. The use of ADR will be discussed at all Case Management Conferences. It is the court's expectation that litigants will utilize some form of ADR – i.e. the court's mediation or arbitration programs or other available private ADR options as a mechanism for case settlement before trial

ADR OPTIONS

1) **CIVIL MEDIATION PROGRAM:** The San Diego Superior Court Civil Mediation Program is designed to assist parties with the early resolution of their dispute. All general civil independent calendar cases, including construction defect, complex and eminent domain cases are eligible to participant in the program. Limited civil collection cases are not eligible at this time. San Diego Superior Court Local Rule 2.31, Division II addresses this program specifically. Mediation is a non- binding process in which a trained mediator 1) facilitates communication between disputants, and 2) assists parties in reaching a mutually acceptable resolution of all or part of their dispute. In this process, the mediator carefully explores not only the relevant evidence and law, but also the parties' underlying interests, needs and priorities. The mediator is not the decision-maker and will not resolve the dispute – the parties do. Mediation is a flexible, informal and confidential process that is less stressful than a formalized trial. It can also save time and money, allow for greater client participation and allow for more flexibility in creating a resolution.

Assignment to Mediation, Cost and Timelines: Parties may stipulate to mediation at any time up to the CMC or may stipulate to mediation at the CMC. Mediator fees and expenses are split equally by the parties, unless otherwise agreed. Mediators on the court's approved panel have agreed to the court's payment schedule for county-referred mediation: $150.00 per hour for each of the first two hours and their individual rate per hour thereafter. Parties may select any mediator, however, the court maintains a panel of court-approved mediators who have satisfied panel requirements and who must adhere to ethical standards. All court-approved mediator fees and other policies are listed in the Mediator Directory at each court location to assist parties with selection. **Discovery:** Parties do not need to conduct full discovery in the case before mediation is considered, utilized or referred. **Attendance at Mediation:** Trial counsel, parties and all persons with full authority to settle the case must personally attend the mediation, unless excused by the court for good cause.

2) **JUDICIAL ARBITRATION:** Judicial Arbitration is a binding or non-binding process where an arbitrator applies the law to the facts of the case and issues an award. The goal of judicial arbitration is to provide parties with an adjudication that is earlier, faster, less formal and less expensive than trial. The arbitrator's award may either become the judgment in the case if all parties accept or if no trial de novo is requested within the required time. Either party may reject the award and request a trial de novo before the assigned judge if the arbitration was non-binding. If a trial de novo is requested, the trial will usually be scheduled within a year of the filing date.

Assignment to Arbitration, Cost and Timelines: Parties may stipulate to binding or non-binding judicial arbitration or the judge may order the matter to arbitration at the case management conference, held approximately 150 days after filing, if a case is valued at under $50,000 and is "at issue". The court maintains a panel of approved judicial arbitrators who have practiced law for a minimum of five years and who have a certain amount of trial and/or arbitration experience. In addition, if parties select an arbitrator from the court's panel, the court will pay the arbitrator's fees. Superior Court

3) SETTLEMENT CONFERENCES: The goal of a settlement conference is to assist the parties in their efforts to negotiate a settlement of all or part of the dispute. Parties may, at any time, request a settlement conference before the judge assigned to their case; request another assigned judge or a pro tem to act as settlement officer; or may privately utilize the services of a retired judge. The court may also order a case to a mandatory settlement conference prior to trial before the court's assigned Settlement Conference judge.

4) OTHER VOLUNTARY ADR: Parties may voluntarily stipulate to private ADR options outside the court system including private binding arbitration, private early neutral evaluation or private judging at any time by completing the "Stipulation to Alternative Dispute Resolution Process" which is included in this ADR package. Parties may also utilize mediation services offered by programs that are partially funded by the county's Dispute Resolution Programs Act. These services are available at no cost or on a sliding scale based on need. For a list of approved DRPA providers, please contact the County's DRPA program office at (619) 238-2400.

ADDITIONAL ADR INFORMATION: For more information about the Civil Mediation Program, please contact the Civil Mediation Department at (619) 515-8908. For more information about the Judicial Arbitration Program, please contact the Arbitration Office at (619) 531-3818. For more information about Settlement Conferences, please contact the Independent Calendar department to which your case is assigned. Please note that staff can only discuss ADR options and cannot give legal advice.

Phillip L. Kossy, State Bar No. 071543
Nykia J. Wilson, State Bar No. 224135
LUCE, FORWARD, HAMILTON & SCRIPPS LLP
600 West Broadway, Suite 2600
San Diego, California 92101-3372
Telephone No.: 619.699.2433
Fax No.: 619.645.5384
pkossy@luce.com

FILED
2008 MAR -3 PM 1:59
CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY RM DEPUTY

Attorneys for Defendants TRANDES CORPORATION and MICHAEL MCKINNEY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

ARNEL FRANZUELA, an individual, Plaintiff, v. TRANDES CORPORATION, a corporation; MICHAEL MCKINNEY, an individual; and DOES 1-45, inclusive, Defendants.	Case No. '08 CV 0395 WQH CAB **PROOF OF SERVICE** Complaint Filed: December 7, 2007

I, Bobbie Howard, declare under penalty of perjury that I am over the age of eighteen years, that I am not a party to the above-referenced action, and that I am employed in the State of California, County of San Diego, where the within-mentioned service occurred. My business address is 600 West Broadway, Suite 2600, San Diego, California 92101; telephone number (619) 236-1414; facsimile number (619) 232-8311.

On March 3, 2008, I caused to be served the following document(s):

1. **CIVIL COVER SHEET; and**
2. **NOTICE OF REMOVAL OF CIVIL ACTION;**

on the interested parties in this action by:

__XX__ **U. S. MAIL:** I placed a copy in a separate envelope, with postage fully prepaid, for each address named below / on the attached service list for collection and mailing on the below indicated day following the ordinary business practices at Luce, Forward, Hamilton & Scripps LLP. I certify I am familiar with the ordinary business practices of my place of employment with regard to collection for mailing with the United States Postal Service. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit or mailing affidavit.

______ **OVERNIGHT COURIER SERVICE:** I placed a copy in a separate envelope addressed to each addressee as indicated below, and caused such envelope(s) to be delivered via Federal Express for the next business day.

______ **HAND DELIVERY:** I placed a copy in a separate envelope addressed to each addressee as indicated below, and delivered it to Cal Express for personal service.

______ **FACSIMILE:** I sent a copy via facsimile transmission to the telefax number(s) indicated below. The facsimile machine I used complied with California Rules of Court, Rule 2003 and no error was reported by machine. Pursuant to California Rules of Court, Rule 2006(d), I caused the machine to print a transmission record of the transmission, a copy of which is in our files.

______ **E-MAIL TRANSMISSION**: I sent a copy via electronic mail to the e-mail address indicated below.

by delivering a true copy thereof to the following:

Dennis M. Grady, Esq. Grady and Associates 3517 Camino Del Rio South, Suite 400 San Diego, CA 92108 Telephone: (619) 528-2230	Attorneys for Plaintiff Arnel Franzuela

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed at San Diego, California on November 26, 2007.

Bobbie Howard [signature]

Bobbie Howard

101076761.1

JS 44 (Rev. 12/07)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS
ARNEL FRANZUELA

DEFENDANTS
TRANDES CORPORATION and MICHAEL MCKINNEY

FILED
2008 MAR -3 PM 1:58
CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY ____ DEPUTY

(b) County of Residence of First Listed Plaintiff ______
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)
Dennis M. Grady, SBN 118461
Grady and Associates
3517 Camino Del Rio South, Suite 400
San Diego, CA 92108
Telephone: (619) 528-2230

Attorneys (If Known)
Phillip L. Kossy, SBN 071543
Nykia J. Wilson, SBN 224135
Luce Forward Hamilton & Scripps, LLP
600 W. Broadway, Suite 2600
San Diego, CA 92101
Telephone: (619) 236-1414

'08 CV 0395 WQH CAB

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant) (For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	☐ 1	Incorporated or Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated and Principal Place of Business In Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT
☐ 110 Insurance
☐ 120 Marine
☐ 130 Miller Act
☐ 140 Negotiable Instrument
☐ 150 Recovery of Overpayment & Enforcement of Judgment
☐ 151 Medicare Act
☐ 152 Recovery of Defaulted Student Loans (Excl. Veterans)
☐ 153 Recovery of Overpayment of Veteran's Benefits
☐ 160 Stockholders' Suits
☐ 190 Other Contract
☐ 195 Contract Product Liability
☐ 196 Franchise

REAL PROPERTY
☐ 210 Land Condemnation
☐ 220 Foreclosure
☐ 230 Rent Lease & Ejectment
☐ 240 Torts to Land
☐ 245 Tort Product Liability
☐ 290 All Other Real Property

TORTS

PERSONAL INJURY
☐ 310 Airplane
☐ 315 Airplane Product Liability
☐ 320 Assault, Libel & Slander
☐ 330 Federal Employers' Liability
☐ 340 Marine
☐ 345 Marine Product Liability
☐ 350 Motor Vehicle
☐ 355 Motor Vehicle Product Liability
☐ 360 Other Personal Injury

PERSONAL INJURY
☐ 362 Personal Injury— Med. Malpractice
☐ 365 Personal Injury — Product Liability
☐ 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY
☐ 370 Other Fraud
☐ 371 Truth in Lending
☐ 380 Other Personal Property Damage
☐ 385 Property Damage Product Liability

CIVIL RIGHTS
☐ 441 Voting
☐ 442 Employment
☐ 443 Housing/ Accommodations
☐ 444 Welfare
☐ 445 Amer. w/Disabilities - Employment
☐ 446 Amer. w/Disabilities - Other
☐ 440 Other Civil Rights

PRISONER PETITIONS
☐ 510 Motions to Vacate Sentence
Habeas Corpus:
☐ 530 General
☐ 535 Death Penalty
☐ 540 Mandamus & Other
☐ 550 Civil Rights
☐ 555 Prison Condition

FORFEITURE/PENALTY
☐ 610 Agriculture
☐ 620 Other Food & Drug
☐ 625 Drug Related Seizure of Property 21 USC 881
☐ 630 Liquor Laws
☐ 640 R.R. & Truck
☐ 650 Airline Regs.
☐ 660 Occupational Safety/Health
☐ 690 Other

LABOR
☐ 710 Fair Labor Standards Act
☐ 720 Labor/Mgmt. Relations
☐ 730 Labor/Mgmt.Reporting & Disclosure Act
☐ 740 Railway Labor Act
☒ 790 Other Labor Litigation
☐ 791 Empl. Ret. Inc. Security Act

IMMIGRATION
☐ 462 Naturalization Application
☐ 463 Habeas Corpus – Alien Detainee
☐ 465 Other Immigration Actions

BANKRUPTCY
☐ 422 Appeal 28 USC 158
☐ 423 Withdrawal 28 USC 157

PROPERTY RIGHTS
☐ 820 Copyrights
☐ 830 Patent
☐ 840 Trademark

SOCIAL SECURITY
☐ 861 HIA (1395ff)
☐ 862 Black Lung (923)
☐ 863 DIWC/DIWW (405(g))
☐ 864 SSID Title XVI
☐ 865 RSI (405(g))

FEDERAL TAX SUITS
☐ 870 Taxes (U.S. Plaintiff or Defendant)
☐ 871 IRS—Third Party 26 USC 7609

OTHER STATUTES
☐ 400 State Reapportionment
☐ 410 Antitrust
☐ 430 Banks and Banking
☐ 450 Commerce
☐ 460 Deportation
☐ 470 Racketeer Influenced and Corrupt Organizations
☐ 480 Consumer Credit
☐ 490 Cable/Sat TV
☐ 810 Selective Service
☐ 850 Securities/Commodities/ Exchange
☐ 875 Customer Challenge 12 USC 3410
☐ 890 Other Statutory Actions
☐ 891 Agricultural Acts
☐ 892 Economic Stabilization Act
☐ 893 Environmental Matters
☐ 894 Energy Allocation Act
☐ 895 Freedom of Information Act
☐ 900Appeal of Fee Determination Under Equal Access to Justice
☐ 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

☐ 1 Original Proceeding
☒ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify)
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION
Cite the U.S. Civil Statute under which you are filing (**Do not cite jurisdictional statutes unless diversity**):
28 U.S.C. 1441
Brief description of cause:
Wrongful Termination

VII. REQUESTED IN COMPLAINT:
☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23
DEMAND $
CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY (See instructions): JUDGE ______ DOCKET NUMBER ______

DATE
March 3, 2008

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # 148288 AMOUNT $350 APPLYING IFP ______ JUDGE ______ MAG. JUDGE ______

3/3/08

American LegalNet, Inc.
www.FormsWorkflow.com

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
SAN DIEGO DIVISION

# 148288 - SH
*** * C O P Y * ***
March 03, 2008
13:58:12

Civ Fil Non-Pris
USAO #.: 08CV0395
Judge..: WILLIAM Q HAYES
Amount.: $350.00 CK
Check#.: BC37207

Total-> $350.00

FROM: FRANZUELA TRANDES CORP ET AL